
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

Francisco Rodriguez-Ramos,

Plaintiff,

v.

Texas Department of Family and Protective
Services, et al.,

Defendant.

MEMORANDUM DECISION AND
ORDER

Case No. 2:23-cv-00384-DBP

Chief Magistrate Judge Dustin B. Pead

Plaintiff, who is proceeding pro se, once again moves the court for the appointment of counsel. (ECF No. 10.) This is Plaintiff's third request for appointment of counsel. The court denies the motion, and orders Plaintiff to comply with the court's prior order requiring him to file an amended complaint. (ECF No. 9.) The court further restricts Plaintiff's filings as set forth below until he complies with the prior order and the screening process is complete.

Because Plaintiff is granted leave to proceed in forma pauperis, the court will screen his complaint under 28 U.S.C. § 1915(e) and Local Civil Rule DUCivR 3-2(b). Under [28 U.S.C. § 1915](#), the court "shall dismiss the case at any time if the court determines" that the action "is frivolous" or "fails to state a claim on which relief may be granted." [28 U.S.C. § 1915\(e\)](#). A complaint fails to state a claim upon which relief may be granted if it does not "contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" [Ashcroft v. Iqbal](#), 556 U.S. 662, 678 (2009) (quoting [Bell Atlantic Corp. v. Twombly](#), 550 U.S. 544, 570 (2007)).

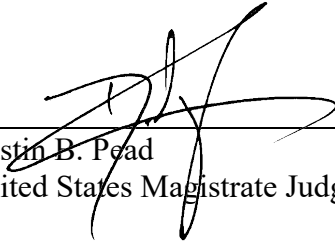
As noted in the court's prior order, to warrant appointment of counsel, Plaintiff must affirmatively show that he asserts meritorious claims. The nature of Plaintiff's Complaint is

unclear given the lack of any supporting facts or background and Plaintiff has not filed an Amended Complaint. Accordingly, Plaintiff is once again ORDERED to file an Amended Complaint in compliance with the court's prior order and Plaintiff's Motion for Appointment of Counsel is DENIED.

IT IS FURTHER ORDERED that Plaintiff may not file any motions or other documents other than an amended complaint during the time the case is screened or until the court orders otherwise. If such documents or motions are filed, they will be lodged on the docket and not addressed until Plaintiff files an amended complaint and screening is complete.

IT IS SO ORDERED.

DATED this 27 June 2023.



Dustin B. Pead
United States Magistrate Judge